

**FINDING OF NO SIGNIFICANT IMPACT
ON THE
ENVIRONMENTAL ASSESSMENT
FOR
RECONSTRUCTION OF TURTLE RIVER LAKE ROAD
FOREST HIGHWAY 52 (County State-Aid Highway 22)
CHIPPEWA NATIONAL FOREST
Beltrami County, Minnesota**



Prepared pursuant to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (43 CFR 1500)

Prepared by the
U.S. Department of Transportation
Federal Highway Administration
Eastern Federal Lands Highway Division

In Cooperation with the
U.S. Department of Agriculture, Forest Service
Beltrami County Highway Department, and
Minnesota Department of Transportation

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Introduction

The Eastern Federal Lands Highway Division (EFLHD) of the Federal Highway Administration (FHWA) in cooperation with the United States Department of Agriculture (USDA), Forest Service (FS); Beltrami County Highway Department, Minnesota; and the Minnesota Department of Transportation (MNDOT) has prepared and made available for public review and comment the Environmental Assessment (EA) for Reconstruction of Turtle River Lake Road, Forest Highway 52, also known as County State-Aid Highway 22 (CSAH 22), in Beltrami County, Minnesota. The project is located within the Chippewa National Forest, and extends from CSAH 27 to CSAH 39. The EA documented the potential environmental and social impacts from implementing one of four alternatives: 1) No Action Alternative, 2) Alternative A, 3) Alternative B, and 4) Alternative C. The EA was completed in September 2003 and was made available for public review and comment for over 30 days. A public meeting on the EA was held in September 2003 at MNDOT's Northwest Office in Bemidji, Minnesota.

The purpose of this document is to record selection of an alternative and finding of no significant impact (FONSI) pursuant to the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (43 CFR 1500).

This document should be attached to the Environmental Assessment for Reconstruction of Turtle River Lake Road, Forest Highway 52 (County State-Aid Highway 22), Chippewa National Forest, Beltrami County, Minnesota.

Purpose and Need

Turtle River Lake Road (Forest Highway 52, CSAH 22) provides access to the Chippewa National Forest for local residents, recreational users, and National Forest users. The present route also serves as a major collector between CSAH 39 and US Highway 71.

The existing gravel route is not adequate for current and projected traffic. In many areas the travel lanes are too narrow, surface is rough and significant amount of dust and sediment are generated, which result in water and air pollution. The absence of shoulders and narrow travel lanes on this roadway creates safety hazard. As traffic use of the roadway increases with the projected automobile and commercial traffic; with roadway having a large number of potholes, narrow lanes and minimal shoulders; the road efficiency and safety would further deteriorate, while increasing the maintenance costs.

The roadway provides access to excellent scenery of the Turtle River Lake area. The proposed action is to upgrade the existing roadway to provide an adequate and safe roadway for current and future traffic. Additional benefits include reducing air- and water-borne sediments through paving and stabilizing cut and fill slopes. Upgrading the existing roadway also addresses the Forest Service's need for using the roadway for heavy timber hauling trucks.

CSAH 22 is designated as a major collector roadway in the Beltrami County's Transportation Plan. The proposed improvements would provide safe and efficient access between US Highway 71 and CSAH 39.

Alternatives Considered

A brief summary of alternatives considered is presented below:

No Action Alternative: Under the No Action Alternative, no substantial improvements would be performed. Only routine maintenance would be performed leaving the roadway as it now exists.

Alternative A: This alternative provides 11-foot lanes with 2-foot shoulders. This Alternative would meet the MNDOT design standards for Type 1 Natural Preservation Routes. The proposed alternative would require approximately 14 acres of clearing and 7.5 acres of wetlands encroachment. This alternative would include site-specific treatment for the North Twin Lakes Area described in Section 2.4 of the EA. However, this alternative would not meet the design standards for the roadway classification designated for CSAH 22.

Alternative B: This alternative provides 12-foot lanes and 4-foot shoulders. The Alternative would meet the MNDOT design standards for Type III Natural Preservation Routes. The proposed alternative would require approximately 24 acres of clearing and 8.5 acres of wetlands encroachment. The alternative would include shallower roadside ditches and steeper back slopes to reduce clearing and minimize wetlands encroachment. The alternative would include site-specific treatment for the North Twin Lakes Area described in Section 2.4 of the EA. The alternative would meet the current design standards designation for CSAH 22.

Alternative C: This alternative would provide 12-foot lanes with 2-foot shoulders, a modification of MNDOT design standards of Type I Natural Preservation Routes. This alternative would include site-specific treatment for the North Twin Lakes Area described in Section 2.4 of the EA. The proposed alternative would require approximately 15.8 acres clearing and 7.5 acres of wetlands encroachment. However, the proposed design would not meet MNDOT design standards for the current roadway classification for CSAH 22.

Preferred Alternative

An inter-agency coordination meeting was held on February 5, 2003, at the Chippewa National Forest office in Cass Lake, MN. Alternative B was selected as the preferred alternative. As discussed under the previous section, the proposed alternative would provide 12-foot lanes and 4-foot shoulders. The alternative would meet the design standards for Type III Natural Preservation Routes, the current designation for CSAH 22. To address citizen and agency concerns for the wide clearing area with the Type III Natural Preservation Routes design standards, shallower ditches and steeper back slopes would be used to reduce roadway footprints and minimize wetlands encroachment. This alternative would include site-specific treatment for the North Twin Lakes Area described in Section 2.4 of the EA.

Rationale for Selection of Preferred Alternative (Alternative B) and Project Compliance

Alternatives A and C would not meet the MNDOT design standards for CSAH 22 roadway classification designated in the Beltrami County' Transportation Plan. Alternative B is selected as the preferred alternative. The preferred alternative would meet the design standards for the CSAH 22 roadway classification and meet the project purpose and need. The alternative addresses the concerns raised by the citizens regarding wide clearing area with the previously improved section of CSAH 22. The preferred alternative would include narrower ditches and steeper back slopes to minimize clearing. A comparison of the proposed alternative to the existing improvements on CSAH 22 is shown in Figure 1.

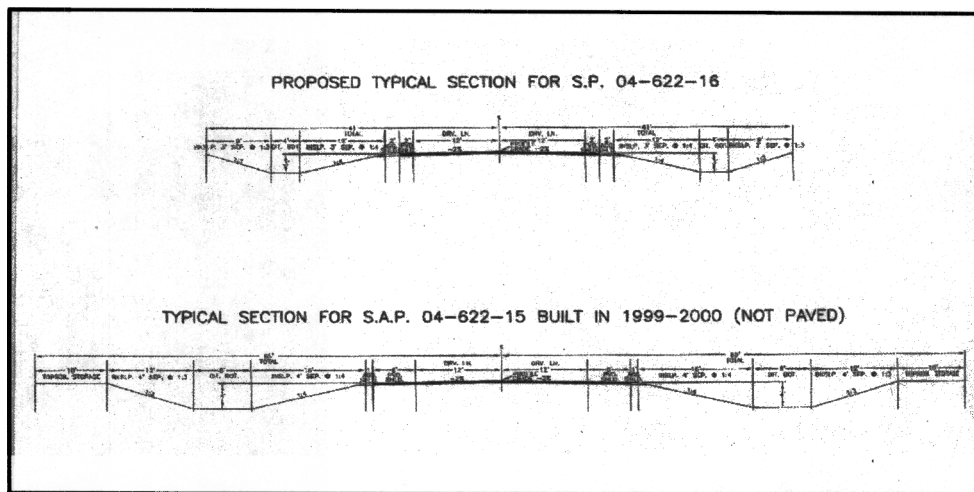


Figure 1: Typical Section of Proposed Alternative Compared with the Existing improved Section of CSAH 22

A summary discussion of specific compliance for the selected alternative follows:

Short-term water quality impacts of sedimentation will occur during construction activities; however, use and enforcement of all appropriate best management practices, and sediment and erosion control measures during construction will result in minimal impacts.

Beltrami County will apply for and obtain all necessary permits which may include: National Pollution Discharge Elimination System (NPDES) permit, Army Corps of Engineers Section 404 Permit and Water Quality Certification for activities in the jurisdictional waters.

Concerns for the Federal, State and National Forest endangered species of concern were addressed in the EA. A biological evaluation was prepared for this project and reviewed by the Forest Service and U.S. Fish and Wildlife Service (FWS). A determination of not likely to adversely affect endangered species has been rendered by the FWS.

There will be no significant permanent impacts on air or noise quality. Visual and water impacts in the Twin Lakes area will be minimized with design enhancements discussed in the EA.

A Phase 1 Cultural Resources Survey was prepared for the existing road corridor. In 2000, the Beltrami County Highway Department determined that no sites located within the roadway corridor met the National Register criteria. Furthermore, in March of 2000, the Minnesota State Historic Preservation Officer (SHPO) concluded "that no historic properties eligible for or listed on the National Register of Historic Places will be affected by this project."

Therefore, the proposed action (Alternative B), reconstruction of Turtle River Lake Road, Forest Highway 52 (CSAH 22) between CSAH 27 and CSAH 39 is in compliance with the relevant laws and implementing regulations.

Mitigation Measures

In order to minimize impacts associated with the preferred alternative, the following measures will be implemented:

- An Erosion and Sediment Control Plan will be prepared and included in the final construction plans.
2. The final construction plans will include directions to the Contractor for minimizing disturbance of woody and turf vegetation
3. If any bald eagle nests are identified during implementation of the proposed roadway improvements, the FWS and FS will be notified and further construction activities will adhere to the Chippewa National Forest Land Resources Management Plan, which has specific guidance for projects that occur within the vicinity of bald eagle nests.
4. Use of shallower ditches and steeper back slopes will be utilized to minimize vegetation clearing and mitigate impacts on vegetation and wetlands.
5. Re-vegetate disturbed areas with naturally occurring vegetation of similar composition and structure as the surrounding vegetation.
6. A site-specific variation will be utilized for the Twin Lake segment of the project to minimize clearing and impacts to open water area.

7. The culvert replacements in streams and wetlands would maintain or restore natural flow patterns and allow passage of aquatic species. Wide box culverts would be utilized where right-of-way bisects perennial wetland systems.

Public Involvement

Public outreach was conducted throughout the NEPA process to engage the community in discussion regarding the proposed action through a series of newsletters, and public meetings. An informational newsletter was mailed to interested citizens, agencies and other interested parties on December 3, 2001. Notice was also advertised in the local newspapers and posted on the FHWA website. A 30 day comment period was held from December 10, 2001, until January 10, 2002. Again, a second newsletter was mailed on May 21, 2002. A public meeting was held on June 18, 2002, followed by a 30 day comment period. Notice of the newsletter and public meeting were advertised in the local newspaper and on the FHWA website. An additional public briefing was held at the request of the Commissioner of Taylor Township .

A final public meeting to answer questions and obtain comments on the EA was held on September 24, 2003 at the MNDOT's office in Bemidji, MN. Again, the EA was made available to agencies and for public review in the local libraries and Forest Service offices in Blackduck and Cass Lake for a period of 30 days. Notice of EA availability was published in the local newspapers and posted on the FHWA website. Copy of the Notice of EA Availability is attached. The comment period for the EA ended on November 12, 2003. Two comments were received after the final public meeting and availability of the EA. None of the comments received from the public disputed the purpose and need for the project. All comments, which were submitted in writing, were responded to in writing. These comments generally supported the preferred alternative, but included additional items for consideration, which were reviewed. The submitted written comments and the FHWA responses are attached to this document.

Agency Coordination

Consultation and coordination occurred with a number of agencies and organizations having jurisdictional approval authority relative to the proposed action or anticipated to have a vested interest in the project plans and decision process. The coordinating agencies reached consensus in the selection of the preferred alternative. EA was recommended for approval by the Forest Service; Beltrami County, MN; and Minnesota Department of Transportation.

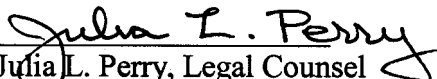
Following distribution of the EA in October 2003, the following agencies responded with comments:

- U.S. Fish and Wildlife Service
- Minnesota Department of Natural Resources

Conclusion


The Federal Highway Administration hereby adopts the reconstruction alternative (proposed action, Alternative B). Implementation of this alternative does not constitute a major Federal action significantly affecting the quality of the human environment pursuant to the National Environmental Policy Act of 1969. Public involvement, public notification and mitigation measures discussed in the EA will minimize the potential for adverse effects on the human environment and would assist the localities in implementing their planned facilities improvement. Accordingly, an Environmental Impact Statement will not be prepared. Implementation of the selected alternative may take place immediately after the date of this decision.

Reviewed for Legal Sufficiency:


Julia L. Perry, Legal Counsel

8/23/04
Date

Approved:


Alan T. Teikari
Planning and Programs Engineer
Eastern Federal Lands Highway Division
Federal Highway Administration

8/24/04
Date

NOTICE OF AVAILABILITY

Environmental Assessment of Reconstruction of Turtle River Lake Road County State-Aid Highway 22 (Forest Highway 52) Beltrami County, Minnesota

The U.S. Forest Service and the Federal Highway Administration are pleased to announce the availability of the Environmental Assessment for Reconstruction of Turtle River Lake Road, Forest Highway 52 (County State-Aid Highway 22). The Eastern Federal Lands Highway Division, of the Federal Highway Administration, has prepared this document in cooperation with the U.S. Forest Service (FS), the Minnesota Department of Transportation (MN DOT), and the Beltrami County Highway Department, in order to provide guidance in determining the appropriate actions needed for the reconstruction of County State-Aid Highway 22 (CSAH 22). The Environmental Assessment has been prepared in accordance with the National Environmental Policy Act (NEPA) and regulations of the Council of Environmental Quality.

Preferred Alternative: The preferred alternative proposes to Pave and Reconstruct CSAH 22 to Minnesota Minimum Geometric Design Standards to Type III Natural Preservation Routes. This alternative would be implemented along with the North Twin Lakes Area Treatment designed to limit the impact to the water body. Under this Alternative, the existing gravel roadway would be widened to accommodate two 12-foot wide lanes with 4-foot wide shoulders. The travel lanes would be paved with asphalt and striped accordingly. Minor modifications to the roadway horizontal and vertical alignment would be made in order to meet current roadway safety and design standards. Shallower ditches, steeper back slopes, and steeper recovery areas would be used to reduce the overall footprint and mitigate impacts on the vegetation and wetlands.

Public Review: The Draft Environmental Assessment will be available for public review and comment after October 13, 2003 at the following locations:

- Blackduck District Ranger's Office, Chippewa National Forest, 417 Forestry Drive, Blackduck, MN 56630;
- Beltrami County Highway Department, 2491 Adams Avenue N.W., Bemidji, MN 56601;
- Blackduck Public Library, 72 1st Street SE, PO Box 326, Blackduck, MN 56630;
- Bemidji Public Library, 509 America Avenue NW, Bemidji, MN 56601;
- Cass Lake Community Library, 223 Cedar, P.O. Box 836, Cass Lake, MN 56633;
- and on the World Wide Web at www.efl.fhwa.dot.gov/planning/nepa.htm.

The FHWA and Forest Service considers public involvement to be an important component to a successful planning process and we invite you to furnish written comments to the address below:

Jack Van Dop
Environmental Compliance Specialist
21400 Ridgetop Circle
Sterling, VA 20166

If you have any additional questions concerning this announcement, please contact Mr. Satvinder Sandhu, Environmental Compliance Engineer, Eastern Federal Land Highway Division at (571) 434-1542.

Please submit all comments by the closing of the comment period on November 12, 2003.

THE AMERICAN
SUNDAY
SEPT 18, 2003

NOTICE OF AVAILABILITY

Environmental Assessment of Reconstruction of Turtle River Lake Road County State-Aid Highway 22 (Forest Highway 52) Beltrami County, Minnesota

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- Cass Lake Community Library, 223 Cedar, P.O. Box 836, Cass Lake, MN 56633;
- and on the World Wide Web at www.efl.fhwa.dot.gov/planning/nepa.htm.

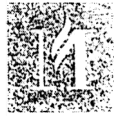
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Jack Van Dop
Environmental Compliance Specialist
21400 Ridgeway Circle
Sterling, VA 20166

If you have any additional questions concerning this announcement, please contact Mr. Satvinder Sandhu, Environmental Compliance Engineer, Eastern Federal Land Highway Division at (571) 434-1542.

Please submit all comments by the closing of the comment period on November 12, 2003.

THE PIONEER, Bemidji, Minnesota
Sunday, October 12, 2003



STATE HISTORIC PRESERVATION OFFICE

March 22, 2000

Mr. Tom Kozojed
Beltrami County Highway Dept.
2493 Adams Ave. NW
Bemidji, MN 56601

RE: S.P. 04-622-16; CSAH 22 from C.R. 307 to CSAH 39
Beltrami County
SHPO Number: 1998-2166

Dear Mr. Kozojed:

Thank you for the opportunity to review and comment on the above project. It has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and the Procedures of the Advisory Council on Historic Preservation (36CFR800), and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

We have reviewed the results of the survey of the project area. We concur with the determinations that sites 21BL183 and 21BL185 do not meet National Register criteria. Further, we conclude that **no historic properties eligible for or listed on the National Register of Historic Places will be affected by this project.**

Please contact Dennis Gimmestad at (651)296-5462 if you have any questions on our review of this project.

Sincerely,

Britta L. Bloomberg
Deputy State Historic Preservation Officer

cc: Rose Kluth, LLHSP

MHS Eligibility
recommenda-tion
Rec'd 3-24-00
622-16

Sandhu, Satvinder

From: Paul_Burke@fws.gov
Sent: Monday, June 14, 2004 7:15 AM
To: Sandhu, Satvinder
Subject: Re: CSAH 22 Beltrami County, Mn

June 14, 2004

Mr. Sandhu:

We have reviewed the information included with your June 13, 2004, transmittal and we concur with your determination that the proposed actions will have no effect on the federally-listed threatened or endangered species bald eagle, gray wolf, or Canada lynx. This precludes further action as required under section 7 of the Endangered Species Act of 1973, as amended. If new information becomes available that indicates listed species may be affected, consultation must be re-initiated.

Paul J. Burke
Biologist
U.S. Fish and Wildlife Service
Twin Cities, Minnesota

"Sandhu

Satvinder"

<Satvinder.Sandhu

To

@fhwa.dot.gov>

<paul_burke@fws.gov>

cc

06/13/2004 08:17

PM

Subject

CSAH 22 Beltrami County Mn

Mr. Burke: Thanks for returning my phone call. Based on the supplemental Biological Assessment submitted to you earlier, it is our determination that the improvements to County State-Aid Highway Project 22 (CSAH 22), in Beltrami County, Minnesota, would not have any affects on any federally listed threatened and/or endangered Species. Please let me know if you concur with our determination. Again, thanks for your prompt attention

Satvinder Sandhu



Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, Minnesota 55155-4000

January 8, 2004

Mr. Satvinder S. Sandhu
Federal Highway Administration
Eastern Federal Lands Highway Division
21400 Ridgetop Circle
Sterling, Virginia 20166

RE Forest Highway 52 (County State-Aid Hwy 22)
Beltrami County, Minnesota

Dear Mr. Sandhu

The Minnesota Department of Natural Resources (MDNR) has reviewed the Environmental Assessment (EA) for the above-referenced project and we offer the following comments for your consideration.

We want to emphasize that the project corridor contains sensitive natural resources, including numerous wetlands and upland areas relatively undamaged from previous human activity, steep terrain subject to erosion during and immediately after construction, and is next to important public waters, such as North Twin Lakes. The wetlands are particularly sensitive to hydrologic and sedimentation disturbance because they are currently in relatively pristine condition with respect to vegetation and lack of previous disturbance. For instance, one wetland will have a surface elevation 6 feet higher than another wetland less than a hundred feet away. Excavation of ditch bottoms and back slopes in such steep terrain could cause drainage of the higher wetland.

We have specific concerns about the width of the project in the vicinity of North Twin Lakes. Page 75 of the EA indicates that the roadway in the North Twin Lakes area may be quite wide. Because of the soil types and steep terrain, and the proximity to North Twin Lake, aggressive application of sediment and erosion control measures both during and after construction is essential to confine the construction impacts within the road right of way. It appears as if the Preferred Design is Figure 2.4.2 on page 15 of the EA. The road cut indicated in this figure is unacceptable, unless other design features are incorporated to reduce the potential impacts of the road. Our understanding from direct communication with the county is that retaining walls may be used to minimize the impacts. However, until these details are definitively incorporated into the project description, our concern remains.

We are also concerned about effects from this project extending beyond the construction limits because of the soils and terrain and adversely impacting rare plants and natural

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communities adjacent to the project corridor. We have some additional information regarding discussion of rare plant impacts contained in the EA. We offer a note of caution regarding the proposal to provide the construction schedule to the public to allow local citizens an opportunity to relocate orchids to areas that will not be disturbed by the project (see last bullet on page 4-1). Section 18H.18 of the Minnesota Nursery Law requires that the collector have the permission of the landowner to enter the property and collect the plants and that the agreement be documented in writing. If the collector plans to sell or distribute the plants, there are additional requirements that apply, including securing a permit from the Department of Agriculture. Whoever is considered the landowner, the U.S. Forest Service or the county should be explicitly identified in the notice so the potential collectors know who they need to contact prior to any collecting.


Table 1-2 on page 1-5 and Table 3-1 on page 3-3 list the Fairy Slipper Orchid as a state threatened species. This is incorrect. The Fairy Slipper Orchid is not listed in Minnesota.

While we generally support the concept of a Natural Preservation Route (NPR) Class for this project, a level III NPR road could still result in adverse impacts to the sensitive environmental features of this corridor. However, there are a number of measures such as retaining walls and guardrails that can reduce these effects. Based on our review of the EA, we have concluded that potential effects can only be determined after the proposer has settled on the final project design measures and where they will be applied. The EA only includes generic references to these measures.

In order to resolve these outstanding issues regarding final design features to minimize the potential adverse effects of the road, we recommend a joint site visit in the spring as soon as the project proposer has the preliminary design completed to the point where construction limits can be marked. In addition to the county and DNR, U.S. Army Corps of Engineers and U.S. Forest Service representatives should be included. The MDNR contact person for scheduling the site visit is Paul Stolen (218-755-4068).

Please contact me at 651-296-8212 if you have questions about these comments.

Sincerely,



Donald Buckhout
Environmental Policy and Review Section
Division of Ecological Services

c: Paul Swenson
Paul Stolen
Sarah Hoffman
Beltrami County Highway Dept.



Federal Highway
Administration

JUN 29 2004

Refer to: HFPP-15

**Project: MN PFH 52-1(1)
Chippewa National Forest**

Mr. Donald Buckout
Environmental Policy and Review Section
Division of Ecological Services
500 Lafayette Road
St. Paul, MN 55155

Dear Mr. Buckout

Thank you for your comments and participation in the preparation of the Environmental Assessment (EA) for project Forest Highway 52, also known as County State-Aid Highway 22 (CSAH 22), located within the Chippewa National Forest in Beltrami County, Minnesota. This project has been designated Project MN PFH 52-1(1).

The project is a reconstruction of CSAH 22 between CSAH 27 and CSAH 39. The proposed improvements are needed to safely accommodate the existing and future automobile and commercial traffic, correct drainage and geometric deficiencies, and improve riding surface for this important connector between CSAH 39 and Highway 71.

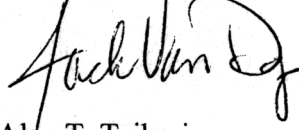
As stated in the EA and emphasized in your letter, the project has the potential to have impact on natural resources. However, specific mitigation measures are recommended in the EA and will be implemented in the proposed action to minimize these impacts and prevent any future impacts. One aspect of the mitigation measures will be to implement site-specific treatment for the Twin Lakes segment of the project, to minimize any impacts to the open waters area. As stated in your letter, the CSAH 22 has many wetlands areas along the entire 6.5-mile route. A wetlands delineation report has been prepared for this project and was transmitted to your office and other resource agencies in January 2004. The use of shallower ditches, and steeper back slopes is recommended for the preferred alternative, to minimize any encroachments into wetlands and vegetation clearing.

A supplemental Biological Assessment was prepared for this project to survey additional species. The U.S. Fish and Wildlife Service has concurred with our determination that the proposed project would not affect any threatened and endangered species. However, your continued assistance in the project to comply with the Minnesota Nursery Law to provide the public an opportunity to relocate orchids and compliance with other regulations would be greatly appreciated.



We appreciate your interest in the project and submission of comments. If you need any additional information, please contact Mr. Satvinder Sandhu, Transportation Planner, at 571-434-1542.

Sincerely yours,


for Alan T. Teikari

Planning and Programming Engineer

cc:

Mr. Leo Johnson, Forester, Chippewa National Forest, Forest Service, Blackduck, MN
Mr. James Worcester, County Engineer, Beltrami County Highway Department, Bemidji, MN
Mr. Lou Tasa, District State-Aid Engineer, Minnesota Department of Transportation,
Bemidji, MN

Nov. 4, 2003

Mr. Satvinder Sandhu, P.E.
Environmental Compliance Engineer
Federal Highway Administration
21400 Ridgetop Circle
Sterling, VA 20166

Dear Mr. Sandhu,

We have reviewed the Environmental Assessment for the Reconstruction of Turtle River Lake Road (CSAH 22 Beltrami Co., Minnesota). In general we are more satisfied with this document and what is being proposed in the way of reconstruction than what was originally prepared but we still have some comments and concerns with regard to this project, including the following. Most of these were included in our earlier letter dated December 16, 2001, to Brigitte Azran. Please review this information as it has far more detail than this letter.

Roadside planting

We appreciate the recommendations to minimize the width of the disturbance, to leave large trees as much as possible, to leave decadent trees and snags, and locate staging areas in already-disturbed areas rather than in wetlands or wooded areas. According to the EA, the Forest Service has prepared a preliminary landscape plan. We would like to be able to review this plan.

It is stated on page 21 of the EA that disturbed areas would be revegetated with "naturally occurring vegetation of similar composition and structure as the surrounding vegetation." We would like to see mixes approved by the Minnesota Department of Transportation used that contain at least a large percentage of native seed and no smooth brome (*Bromus inermis*) or reed canary grass (*Phalaris arundinacea*), both of which tend to out-compete other vegetation, and definitely no birdsfoot trefoil (*Lotus corniculatus*), sweet clover (*Melilotus officinalis* and *M. alba*), or crown vetch (*Coronilla varia*). We realize that it is not always feasible to use all native seed on roadsides, but invasive species should be avoided. Domestic oats would make a better cover crop in upland areas than domestic rye, as rye has some allelopathic properties.

In keeping with the Natural Preservation Route designation, we would like to see backslopes revegetated with native trees and shrubs in places where they wouldn't interfere with safety. By doing this you will reduce the fragmentation of habitats, and reduce mowing costs.

Invasive plants

Removal of reed canary grass is mentioned in the paragraph on invasive plant species, as is giant reed (*Phragmites australis*). New research indicates that not all *Phragmites* is non-native. There is a type that has apparently been contaminated by a European strain, resulting in a type that is more aggressive than the native strain. The *Phragmites* along

our road is most likely the native, less aggressive type. We're glad that efforts will be made to control reed canary and purple loosestrife (*Lythrum salicaria*). To our knowledge there is no loosestrife along this road, but it pays to be careful.

We would like to recommend that several other invasive plants be addressed as well. While it is stated on page 40 of the EA that there are "no known occurrences of Tansy and Spotted Knapweed in the general location of this road" we can attest to the fact that both these species are found on Co. Rd. 22, Co. Rd. 20, Co. Rd. 39 (the Scenic Highway), or on Hale's Road which connects 20 and 22, although the tansy (*Tanacetum vulgare*) hasn't become too much of a problem in the immediate area.

Spotted knapweed (*Centaurea maculosa*), however, has become a serious problem in northern Minnesota and is a noxious weed in Beltrami County. There is a sizable infestation along County Road 20 around the Meadow Lake area, there are at least two patches along Hale's Road, and it has spread in the last few years to the area around the intersection of Hale's Rd. and 22. It is also found on Co. Rd. 22 in the area of the river crossing. Many gravel pits are also infested with spotted knapweed, so when gravel from those pits is used, knapweed is spread to new areas. Spotted knapweed is a biennial or short-lived perennial that reproduces only by seeds, but the seed is viable in the soil for five or more years. Existing infestations must be dealt with, either with herbicide (Transline® perhaps) or by hand-pulling, and new plants sprouting from seeds already in the soil must be treated as long as they continue to appear. Spotted knapweed produces an allelopathic substance that is toxic to other plant species, and this toxicity persists in the soil for years. This is a weed that is much better to prevent than to try to control once it becomes established.

Also found is common St. Johnswort (*Hypericum perforatum*), a non-native that has become a problem in other parts of the US and is popping up with disturbing frequency on area roadsides, often following road reconstruction. St. Johnswort appears in several spots along Co. Rd. 20 (reconstructed about 10-12 years ago), along Hale's Road (rebuilt about 9-10 years ago), and now has spread to the southeast corner of the intersection of 22 and Hale's Rd.

Since our road is a Natural Preservation Route and crosses a good deal of national forest land, we think it would be appropriate to require the use of gravel from weed-free pits, certified weed-free seed and mulch, and clean equipment. It doesn't do much good to use clean gravel, seed, and mulch if the equipment itself spreads weed seeds. Prevention, control and management, and restoration are key points in the National Management Plan which followed Executive Order 13112 on Invasive Species signed in 1999 and applies to federal agencies and projects using federal funds.

Width of right-of-way

Under the proposed alternative the road-way and associated ditches will be about 84 feet or less in width. Being that this is the case why is it necessary to have 100 feet right-of-way? This is the same width as was originally proposed, although the earlier design had more temporary easements. The whole issue with fragmentation as well as to a big

degree with scenic qualities is the physical size of the cleared area. Why not keep to the minimum size needed to accommodate the road?

Power line corridor

No mention is made of power line corridor accommodations throughout the EA. Currently much of the roadway is bordered by the power line that services the area and this service will need to be maintained. As this is a Natural Preservation Route it is our hope that this line will be placed underground. This is also a requirement under the current Forest Plan (section 2700, Utilities) that lines less than 34.5 KV be buried “unless the applicant provides evidence that burying the utility line is not feasible, and/or an environmental analysis of the alternatives, including a consideration of visual quality objectives, supports the exception.” If the line is not buried will it be possible for a new line to be placed within the expanded right-of-way or will additional acreage need to be cleared to accommodate the new line? If so, it will negate the smaller road footprint being proposed in the EA by fragmenting additional acreage.

Orchids

Several locations in the document mention concerns about showy lady-slippers (*Cypripedium reginae*), and a few of them can still be found along the road, but the vast majority of orchids are the large yellow lady-slipper (*Cypripedium calceolus* var. *pubescens*). Efforts should also be made to salvage and relocate these plants. We were involved in an orchid relocation project a number of years back on MN Rd. 11, which is a wildflower route near Williams in extreme northern Minnesota. In this instance a group of volunteers dug the orchids, of which they could keep a few for their own use, while the rest went into temporary nursery beds. Once road construction was completed the orchids were moved back to the road right-of-way where they continue to grow.

As orchids are one of the most noted scenic qualities of this road, an orchid rescue and replanting might be a good project for this road also. Although it is probably outside the scope of this document, it is something that local residents, with the support of the county and US Forest Service, could turn into a reality that would be of benefit to all.

Also present along the edges of the road is sweet grass (*Hierochloë odorata*), a plant traditionally used by the Ojibwe people. It would be appropriate to also salvage at least some of these plants.

T&E species

In the table of state and federally-listed T&E species, the bog adder's-mouth (*Malaxis paludosa*) is not included. This is an extremely rare species, with only three currently known locations in the continental US; one of the locations is in Lake Beltrami State Park near Bemidji. While it is not on the Chippewa National Forest's list of rare plants, it is listed as endangered by Minnesota, and there may be suitable habitat within the area that could be affected by this project.

It is stated in the EA that late-season plants would be surveyed for in August, 2003. Was this survey done? According to the information in the EA, pages 35-38, many species

were not surveyed for at the optimum time of year, or were possibly not looked for in all types of suitable habitat due to outdated habitat information.

In the section on impacts to T&E plant species it is repeated stated that the forest at the intersection of 22 and FR 3213 appears to have formerly been a pasture. The soil conditions listed are due to infestation by non-native earthworms, not livestock. In addition, while these conditions do make for unsuitable habitat for some species of *Botrychium* ferns, it does not necessarily apply to all of them.

With reference to the blunt-lobed grapefern (*Botrychium oneidense*), there is only one known location for this plant on the Chippewa National Forest. If this project has an impact on individuals or potential habitat, wouldn't this cause a loss of viability to the species on the forest? The same applies to the one-flowered broomrape (*Orobanche uniflora*).

Some other inconsistencies include the following. The alder *Alnus incana* is known as tag alder or speckled alder here, not red alder, which grows in other parts of the US (page 40). On the same page, the scientific name for black spruce is misspelled. The specific epithet should be *mariana*, not *marinara*. On page 49 in the Natural Resources section, there would definitely be impacts to vegetation resources if non-native and/or invasive plants are introduced or allowed to increase due to road reconstruction. "Mussels" is misspelled in several places.

We greatly appreciate your efforts in assuring that problems and issues surrounding this project have been or will be addressed.

Sincerely,


Steve and Carol Mortensen

19360 Turtle River Lake Rd NE

Hines MN 56647

28-335-7423 days

28-835-5509 (evening)



U. S. Department
of Transportation

02516

400 Bridge St.

Federal Highway
Administration

JUN 29 2004

Refer to: HFPP-15

**Project: MN PFH 52-1(1)
Chippewa National Forest**

Mr. Steve Mortensen and Mrs. Carol Mortensen
19360 Turtle River Lake Road, NE.
Hines, MN 56647

Dear Mr. and Mrs. Mortensen:

Thank you for your comments and participation in the preparation of the Environmental Assessment (EA) for project Forest Highway 52, also known as County State-Aid Highway 22 (CSAH 22), located within the Chippewa National Forest in Beltrami County, Minnesota. This project has been designated Project MN PFH 52-1(1).

The project is a reconstruction of CSAH 22 between CSAH 27 and CSAH 39. The proposed improvements are needed to safely accommodate the existing and future automobile and commercial traffic, correct drainage and geometric deficiencies, and improve riding surface for this important connector between CSAH 39 and Highway 71.

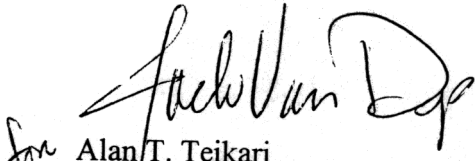
As stated in the EA and emphasized in your letter, the project has the potential to have impact on natural resources. However, specific mitigation measures are recommended in the EA and will be implemented in the proposed action to minimize these impacts and prevent any future impacts. One aspect of the mitigation measures will be to implement site-specific treatment for the Twin Lakes segment of the project, to minimize any impacts to the open waters area. Again, the CSAH 22 has many wetlands areas along the entire 6.5-mile route. A wetlands delineation report has been prepared for this project and was transmitted to resource agencies in January 2004. The use of shallower ditches, and steeper back slopes is recommended for the preferred alternative, to minimize any encroachments into wetlands and vegetation clearing.

The preparation of this study has been coordinated with the Minnesota Department of Transportation which will be coordinated during final plans preparation of the project including seed and vegetation mix selection. A supplemental Biological Assessment was prepared for this project to survey additional species. The U.S. Fish and Wildlife Service has concurred with our determination that the proposed project would not affect any threatened and endangered species.



We appreciate your interest in the project and submission of comments. If you need any additional information, please contact Mr. Satvinder Sandhu, Transportation Planner, at 571-434-1542.

Sincerely yours,


for Alan T. Teikari
Planning and Programming Engineer

cc:

Mr. Leo Johnson, Forester, Chippewa National Forest, Forest Service, Blackduck, MN
Mr. James Worcester, County Engineer, Beltrami County Highway Department, Bemidji, MN
Mr. Lou Tasa, District State-Aid Engineer, Minnesota Department of Transportation,
Bemidji, MN